

REMARKS

Applicants respectfully request favorable reconsideration of this application, as amended, as well as the benefit of an interview with the Examiner prior to the issuance of the next action, if appropriate.

Applicants note with appreciation the indication of allowable subject matter within Claims 6 and 7. *See, Office Action at Page 5 (Paragraph 8).*

Claims 13 and 14 have been added. New Claim 13 presents the subject matter recited by Claim 6, rewritten in independent form including all of the limitations recited by Claims 1 and 3. New Claim 14 presents the subject matter recited by Claim 7, rewritten in independent form including all of the limitations recited by Claims 1, 3 and 6. Applicants respectfully submit that new Claims 13 and 14 are allowable over the cited references.

Claim 1 was objected to as lacking at least the letter designations "(c)" and "(d)" for two method steps that are referenced by the last element of the claim. Applicants note that the method steps recited by Claim 1, as originally filed, included letter designations "(a)" through "(e)" and that those letter designations were inadvertently excluded from the claim listing in the Preliminary Amendment filed on October 8, 2004. Consequently, Claim 1 has been amended to the extent that it is necessary to add letter designations "(a)" through "(e)" to Claim 1.

Claims 1–5 and 7–12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ying (US 6,300,252). Applicants respectfully traverse.

Applicants respectfully submit that Ying fails to teach or suggest "measuring the remaining distance between the embedded fuse and the first etched surface of the first region of the semiconductor device", as recited by Claim 1. Instead, Ying discloses monitoring the presence of a reaction product or the absence of a reacting species to determine whether the first etching process is complete. *See, e.g., Col. 7:20–23.*

Furthermore, Applicants respectfully submit that Ying fails to teach or suggest "second etching an amount of the second set of material from said first region of the semiconductor device, from the first etched surface of the first region further in towards the embedded fuse, the amount of the second set of material being determined based on the preceding measurement of the remaining distance," as recited by Claim 1. More particularly, Ying fails to disclose that the amount of the second set of material is determined based on the preceding measurement of the

remaining distance. Instead, Ying discloses utilizing an etch-stop layer to stop the second etching process. *See, e.g.*, Col. 8:9–14.

Moreover, Applicants respectfully submit that Ying fails to teach or suggest “measuring the remaining distance between the embedded fuse and the second etched surface of the first region of the semiconductor device,” as recited by Claim 1. Applicants note that in exemplary embodiments of the present invention, fine tune etching of layers may be utilized and more than two etching steps may be used. Ying, however, only discloses two etching steps, the last of which stops at the etch-stop layer.

Consequently, because Ying fails to teach or suggest all of the features recited by Claim 1, Applicants respectfully submit that Claim 1 is allowable over Ying. Claim 12, directed to a semiconductor device modified by the method according to Claim 1, is also allowable, at least for the reasons discussed above. Claims 2–5 and 7–11, depending from Claim 1, are also allowable, at least for the reasons discussed above.

In view of the foregoing amendments and remarks, Applicants respectfully submit that this application is in condition for allowance and should now be passed to issue.

A Notice of Allowance is respectfully solicited.

If any extension of time is required in connection with the filing of this paper and has not been requested separately, such extension is hereby requested.

The Commissioner is hereby authorized to charge any fees and to credit any overpayments that may be required by this paper under 37 C.F.R. §§ 1.16 and 1.17 to Deposit Account No. 02-2135.

Respectfully submitted,

Rothwell, Figg, Ernst & Manbeck P.C.

July 25, 2006

By: Ad. J.L.

Adam M. Treiber
Reg. No. 48,000

1425 K Street, N.W., Suite 800
Washington, D.C. 20005
(202) 783-6040 (voice)
(202) 783-6031 (fax)

#1343392_1